



MIKE PENCE, *Governor*
JAMAL L. SMITH, *Executive Director*

ICRC No.: EMra13020928

[REDACTED],
Complainant,

v.

MAGNODE CORPORATION,
Respondent.

NOTICE OF FINDING

The Deputy Director of the Indiana Civil Rights Commission ("Commission"), pursuant to statutory authority and procedural regulations, hereby issues the following findings with respect to the above-referenced case. Probable cause exists to believe that an unlawful discriminatory practice occurred in this instance. 910 IAC 1-3-2(c).

On February 4, 2013, [REDACTED] ("Complainant") filed a Complaint with the Commission against Magnode Corporation ("Respondent") alleging discrimination on the basis of race in violation of the Indiana Civil Rights Law (Ind. Code § 22-9, *et seq.*) [REDACTED]
[REDACTED] Accordingly, the Commission has jurisdiction over the parties and the subject matter of this complaint.

An investigation has been completed. Both parties have submitted evidence. Based on the final investigative report and a full review of the relevant files and records, the Deputy Director now finds the following:

The issue presented to the Commission is whether Complainant was terminated because of his race. In order to prevail, Complainant must show that (1) he engaged in prohibited conduct similar to that of a co-worker of another race and (2) the discipline levied against him was more severe than that levied against his Caucasian co-worker.

By way of background, Complainant, an African-American, was placed at Respondent by First Call Temporary Services on or about September 17, 2012. During the course of his employment, Complainant broke a tool in a machine and was terminated on or about January 7, 2013. However, evidence shows that a Caucasian employee named Christina had broken tools in machinery on several occasions but was not subjected to discipline. Similarly, Complainant contends that on or about January 6, 2013, his supervisor told him that employees broke drills constantly but had not faced discipline. While Respondent was given an



opportunity to rebut Complainant's assertions, it failed to avail itself of the ability to do so. As such, Respondent treated similarly-situated Caucasian employees more favorably than Complainant in contravention of the civil rights laws. Thus, based upon the aforementioned, probable cause exists to believe that an unlawful discriminatory practice occurred in this instance.

A public hearing is necessary to determine whether a violation of the Indiana Civil Rights Law occurred as alleged in the above-referenced case. Ind. Code § 22-9-1-18, 910 IAC 1-3-5. The parties may elect to have these claims heard in the same circuit or superior court in the county in which the alleged discriminatory act occurred. However, both parties must agree to such an election, or the Indiana Civil Rights Commission will hear this matter. Ind. Code § 22-9-1-16, 910 IAC 1-3-6.

April 14, 2014

Date

Akia A. Haynes

Akia A. Haynes, Esq.,

Deputy Director

Indiana Civil Rights Commission